

07/733,169 08/19/91



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/733,169	08/19/91	MACBETH & JOHNSON 133 ROCKMOND ST., WEST STE. 301 TORONTO, ONTARIO, CANADA	

2308	EXAMINER
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03/10/92

ART UNIT	PAPER NUMBER
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 7-19-91 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 34-50 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 1-33 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 34-50 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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1. The preliminary amendment received September 19, 1991 has been entered and carefully considered. The claims 1-33 have been cancelled and claims 34-50 are pending in the application.

2. For the claim 1, during a telephone conversation with Mr. Warren Hall (Reg. # 37,350) on February 25, 1992 cancellation of the claim 1 was requested; therefore, the claim 1 is now cancelled.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "producing means" of the claims 40 and 50 must be shown or the feature cancelled from the claim. No new matter should be entered.

5. Claims 40 and 50 are rejected under 35 U.S.C. § 112, first paragraph, as the disclosure is enabling only for claims limited to the limitation other than the "producing means" and initial instructing signal. See M.P.E.P. §§ 706.03(n) and 706.03(z).

6. Claims 34-50 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 34;

- 1) In lines 8 and 11, the phrase "in a manner" is vague and indefinite, i.e., what manner?
- 2) In lines 12 and 15, the phrase "accommodate" is vague and indefinite, i.e., it is unclear as to how such ^{accommodation} is performed.
- 3) In lines 5-13, it is unclear as to how the coupler, coupling means, and connecting means are physically and functionally interconnected to each other.
- 4) For claims 34, even though the structure of the claim 34 has a major function of transferring data between the read/write head of the diskette drive of the computer, no description of such functional interconnections of the transferring data is disclosed by the claim 34, i.e., how does the coupling means functionally interconnected to the connecting means?

b) In claim 39, the structural and functional interconnection between the "rotatably mounted memory storage medium", "coupler read/write head", and "read/write head of the diskette" is unclear and unstated.

Furthermore, if the coupling means comprised both of rotatably mounted memory storage medium and coupler read/write head and such coupling means are coupled to the read/write head of the diskette (according to claim 54), it is unclear as to how and why data is transferred via the storage medium, i.e., why not directly transfer the data.

c) In claim 42;

1) In lines 1 and 3, the intended meaning of "receipt" is unclear and dramatically awkward in the context of the claim. Examiner suggests "inserting into a disk drive" in lines 1 and 3; furthermore, for line 7, the word "inserted" make more sense than "received".

d) In claim 43, line 3, the phrase "associated with a conventional diskette" is vague and indefinite, i.e., no clear association has been presented.

e) In claim 44;

1) In line 2, the term "associated" is vague and indefinite, i.e., no clear association has been provided.

2) It is unclear as to how the "signal control and conditioning means" structurally and functionally interconnected with the "stationary data transfer element" and "read/write head".

f) In claim 45, it is unclear as to who and how the data transfer element being selected. Does the "read", "write" and "read/write element" all located in the coupler?

g) In claim 47;

1) In line 2, the phrase "art as a communication port" is unclear and indefinite.

2) In lines 3-6, the intended limitation of the phrase "Each separate...computer peripheral," is unclear from the context of the claim i.e., does the one of separate computer peripherals interconnected both to read/write head and the ¹/₀ port of the

computer?

3) In lines 7-11, it is unclear as to how the simple coupling performs accommodation of transmitting data.

4) In lines 12-15, how does the simple coupling provides data transfer function.

5) In lines 7 and 12, it is unclear as to what is performing/providing "inserting" and "connecting" step/function, i.e., does a human operator performs inserting step/function.

h) In claim 49:

1) In line 2, it is unclear as to how the read/write head with a memory storage medium. What does the memory storage medium got to do with the coupler in terms of their function and structures?

2) In lines 3-5, the unclarition of the claim 39 are similarly applied.

i) For all of the claims, the claimed invention/structure have one main function/operation of transferring data between the read/write head, via coupler, to the computer peripherals.

However, such main claimed function, is not supported by the claim. No timings of the coupler has been provided by the claims. No logical/operational, other than simply being connected or coupled, structures for transferring data have been presented nor even mentioned by the claims. Therefore, the claimed invention/coupler is non-operational in terms of transferring data (disclosed invention in the specification may

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be) since the claimed invention only supports the couplings between the read/write head to the peripherals only, i.e., how does the claimed coupler synchronizes between the read/write head and the peripherals?

Unless such data transfer limitation is supported, in terms of how, by the claim, such limitation should be connected or deleted from the claim since no support have been found in the claim. Again, the claimed invention only supports the physical coupling limitation.

7. Claim 48 is rejected under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

The claim 48 does not further limits from the claim 47.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 34, 42, and 47-50 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Berwick et al. (USPN 4504871).

i) As best understood by the examiner, due to the numerous unclarities and indefinitenesses of the claim, the claimed invention read on the teachings of the reference.

ii) in fig. 2, Berwick teaches all of the basic claimed structures as follows;

<u>claims 34, 42, and 47-50</u>	<u>reference (fig 2)</u>
- coupler	- (10)
- coupling means	- fig. 4 (60)
- connecting means	- (38, 40, 50, 52, 54, and 56)
- I/O peripherals	- (48)
- read/write head	- fig. 1

Since the reference teaches all of the basic claimed structures, the claimed invention is clearly anticipated by the teachings of the references.

10. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

11. Claims 35-41, and 43-46 are rejected under 35 U.S.C. § 103 as being unpatentable over Berwick et al (USPN 4504871).

i) Since the detail teachings of the claims 34, 42, and 47-50 have been fully discussed earlier, it will not be repeated here again.

ii) It is noted that the dependent claims 35-41, and 43-46 further adds limitation dealing with specific circuit components (i.e., electromagnetic induction, and etc); however, such circuit components/limitation are well known commonly utilized components. Also basic necessary circuit components of the magnetic recording (read/write) devices (i.e., magnetic disk, magnetic diskette, magnetic tape player, etc.). See also cited references for such well known components. Furthermore, the teachings of the references teaches all of the basic claimed functions of the computer coupling between the^R/W head of the disk drive and the peripheral device, the specific elements/components of the dependent claims can be easily utilized by ~~the~~ one having ordinary skill in the art because such components are most commonly utilized ^{and} ~~another~~ well known in the magnetic recording (reading/writing) art. Therefore, it would have been obvious to one having ordinary skill in the art to utilize such well known components of the Berwick's coupler since the reference teaches all of the basic teachings/structures and they (claimed invention and reference) both performs and have some functions as well as the purpose, which can be clearly recognized in the art of Berwick.

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The examiner wants to also point out that the Berwick reference not only teaches all of the inventive concept of the claimed coupler it further teaches, in figure C, the utilization of the same coupler principle in the cassette/cartridge format. In connection with the Berwick reference, Schotz reference (USPN 4734897) similarly teaches the claimed coupling concept between disk drive and the audio system.

As a result, clearly, the concept of the claimed system are well known and commonly utilized in the art.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is (703) 308-1651.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0754.

CS/kw
March 04, 1992

CHRISTOPHER B. SHIN
PATENT EXAMINER
GROUP 230

CA 3/4/92


Michael R. Fleming
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